

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

RONALD LOADHOLT,

Plaintiff,

v.

9:09-CV-0658 (LEK/RFT)

WILLIAM LAPE, *Superintendent of  
Coxsackie Correctional Facility*; DR.  
MILLER, *Facility Health Services  
Director*; K. CAVANAUGH,  
*Psychological Services Unit Chief*;  
McDERMOTT, *Lieutenant*; DR.  
SCHLENGER, *Dental Health Services*;  
J. SMITH, *Deputy Superintendent of  
Health Services*

Defendant.

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**ORDER**

This matter comes before the Court following a Report-Recommendation filed on March 3, 2011, by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 38).

Within fourteen days after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Magistrate Judge Treece's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 38) is **APPROVED** and

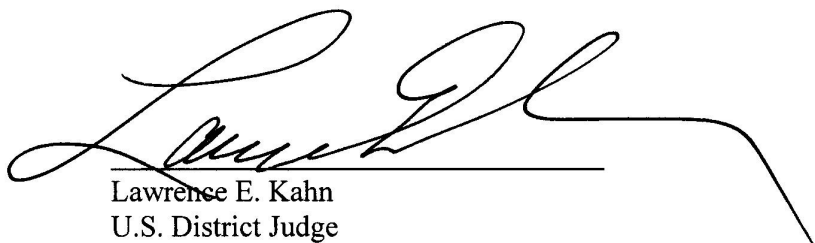
**ADOPTED**; and it is further

**ORDERED**, that Defendant's Motion to dismiss (Dkt. No. 28) is **GRANTED**, and Plaintiff's Second Amended Complaint (Dkt, No 9) is **DISMISSED**; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: March 25, 2011  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge